

## REMARKS

### Claim Objections

Claims previously numbered 39-41 were objected to for being improperly numbered. As suggested by the Examiner, said claims have been properly renumbered as claims 37-39.

### Prior Art Rejections

#### A. U.S. Patent No. 4,679,264 and U.S. Patent No. 4,538,311

Claims 1, 3-8, 11-13, 15-20, 23, and 25-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,679,264 to Mollura (hereinafter “Mollura”) in view of U.S. Patent No. 4,538,311 to Hall et al (hereinafter “Hall”). Mollura discloses an Airbed Mattress Including a Regulated, Controllable Air Reservoir Therefor. Figs. 2 and 8 show airbed mattresses. The airbed mattress of Fig. 2 includes a bottom panel 31 to which are joined a plurality of pairs of straps 40-41 for holding a plurality of individually sealed air tubes 44-48. The airbed mattress of Fig. 8 includes a top panel 121, a bottom panel, and four side panels 120’, 122, 124, and 123 joining the top panel 121 to the bottom panel. Mattress enclosure 120 includes a plurality of parallel, longitudinal, cell-separating panels 126, 127 130, 133, and 135 joining top panel 121 to the bottom panel of the mattress. Within the cells are air tubes 125, 128, 129, 132, 134, and 136.

Hall et al. teaches a Self-Sealing Puncturable Article. Figs. 3 and 4 show a two-component polyurethane sealing material for use in the manufacturing of waterbeds. Polyurethane is sprayed or brushed on to the internal surface of a top sheet of the envelope. Then a barrier layer 40 is placed on the layer of sealing material after it has at least partially cured. Then bottom and top sheets are secured together in the conventional fashion such as heat welding to form the mattress.

#### 1. Claim 1

In rejecting claim 1, the Examiner stated in pertinent part, “Mollura discloses, in Fig. 8, a mattress comprising a non-puncture resistant cover having an interior surface and a core disposed adjacent the interior surface including a body defining a plurality of mounting locations, each mounting location includes an enclosure having a gas container disposed therein.” Fig. 8 does not disclose a non-puncture resistant cover included in mattress enclosure 120. Assuming, arguendo, that air tubes 125, 128, 129, 132, 134, and 136 when combined with the teachings of Hall satisfy the limitation of self-sealing gas containers, enclosures within which the containers are disposed must be identified in Mollura. Further

assuming, arguendo, that the enclosures formed by top panel 121, bottom panel, four side panels 120', 122, 124, 123, and cell-separating panels 126, 127, 130, 133, 135 of Mollura satisfy the enclosure limitation of claim 1, these parts must necessarily be part of a body of a core in order to satisfy the core limitation of claim 1. Therefore, under such a construction, Mollura fails to teach a non-puncture resistant cover. Furthermore, if the Examiner would suggest that any of top panel 121, bottom panel, or side panels 120', 122, 124, 123 form the cover, then the enclosures of Mollura would be part of the cover, and not part of the a core disposed adjacent an interior surface of the cover, as claimed. Also, any attempt by the Examiner to mix parts of the mattress of Fig. 2 of Mollura with parts of the mattress of Fig. 8 of Mollura would be improper. Specifically, attempting to add top panel 54 of the mattress of Fig. 2 on top of the top panel 121 of Fig. 8 would be improper. There is no teaching in Mollura to mix these embodiments. Adding top panel 54 to the mattress of Fig. 8 when the mattress of Fig. 8 is specifically taught to have a top panel 121 would make such top panel 54 redundant and improper. Furthermore, all discussion of the mattresses in Mollura refers to each embodiment as an alternative to and mutually exclusive of the other. Therefore, Applicant believes that the mattress of Fig. 8 of Mollura as cited by the Examiner fails to teach a cover. Applicant further believes that claim 1 is in condition for allowance with respect to Mollura in view of Hall. Removal of the rejection and allowance of claim 1 is respectfully requested. If the Examiner disagrees with the Applicant's characterization, the Examiner is kindly asked to point out with particularity where each limitation of claim 1 is taught by Fig. 8 of Mollura.

2. Claims 3-8 and 11-13

Claims 3-8 and 11-13 depend from claim 1. In that claim 1 is believed to be allowable, claims 3-8 and 11-13 are also believed to be allowable. Additionally, claim 13 requires siderails and minimum height requirements of the siderails. Contrary to the Examiner's assertion, the siderails are positively recited in claim 13 and are specifically required to have a "minimum height above a sleep surface of the cover." This subject matter is not taught or suggested by the cited art. Removal of the rejections and allowance of claims 3-8 and 11-13 is respectfully requested.

3. Claim 15

Like claim 1, claim 15 requires and the proposed combination fails to disclose "a non-puncture resistant cover having an interior surface; and a core disposed adjacent the interior surface including a plurality of enclosures." For the reasons stated above with

respect to claim 1, Applicant believes that claim 15 is in condition for allowance with respect to Mollura in view of Hall. Removal of the rejection and allowance of claim 15 is respectfully requested.

4. Claims 16-20, 23, and 25-26

Claims 16-20, 23, and 25-26 depend from claim 15. In that claim 15 is believed to be allowable, claims 16-20, 23, and 25-26 are also believed to be allowable. Additionally, claim 26 requires siderails and minimum height requirements of the siderails. Contrary to the Examiner's assertion, the siderails are positively recited in claim 26 and are specifically required to have a "minimum height above a sleep surface of the cover." This subject matter is not taught or suggested by the cited art. Removal of the rejections and allowance of claims 16-20, 23, and 25-26 is respectfully requested.

5. Claim 27

Claim 27 requires "means for defining a core including a plurality of sealed enclosures containing a gas, each enclosure being affixed to an adjacent enclosure." The cells of Mollura are not sealed and do not contain a gas. Furthermore, there is no suggestion that the cells could be sealed and such a sealing would be unnecessary because air tubes 125, 128, 129, 132 are located therein to contain the air. Therefore, the cells cannot satisfy the enclosure limitation. Additionally, the air tubes 125, 128, 129, 132 cannot satisfy the enclosure limitation because adjacent air tubes are not affixed to each other. Therefore, Applicant believes that claim 27 is in condition for allowance with respect to Mollura in view of Hall. Removal of the rejection and allowance of claim 27 is respectfully requested.

B. Mollura, Hall, and U.S. Patent No. 5,421,044

Claims 9-10, 14, 21, 22 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mollura in view of Hall, and further in view of U.S. Patent No. 5,421,044 to Steensen (hereinafter "Steensen").

Claims 9-10, and 14 depend from claim 1 and claims 21, 22, and 24 depend from claim 15. In that claims 1 and 15 are each believed to be allowable, claims 9-10, 14, 21, 22, and 24 are also believed to be allowable. Removal of the rejections and allowance of claims 9-10, 14, 21, 22, and 24 is respectfully requested.

C. Mollura, Hall, and U.S. Patent No. 6,453,490

Claims 28-33, 38, and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mollura in view of Hall and U.S. Patent No. 6,453,490 to Cardinale (hereinafter “Cardinale”).

1. Claim 28

Like claims 1 and 15, claim 28 requires and Mollura fails to teach or suggest “a mattress supported by the frame including a non-puncture resistant cover having an interior surface; and a core disposed adjacent the interior surface including a plurality of enclosures housing a respective plurality of containers.” Therefore, for the reasons set out with respect to claims 1 and 15, Applicant believes that claim 28 is in condition for allowance. Such allowance is respectfully requested.

2. Claims 29-33, 38, and 39

Claims 29-33, 38, and 39 depend from claim 28. In that claim 28 is believed to be allowable, claims 29-33, 38, and 39 are also believed to be allowable. Removal of the rejections and allowance of claims 29-33, 38, and 39 is respectfully requested.

D. Mollura, Hall, Cardinale, and Steensen

Claims 34-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mollura in view of Hall and Cardinale further in view of Steensen. Claims 34-37 depend from claim 28. In that claim 28 is believed to be allowable, claims 34-37 are believed to be allowable. Removal of the rejections and allowance of claims 34-37 is respectfully requested.

Final Remarks

It is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course. If necessary, the Examiner is asked to call Applicant's attorney to address any outstanding issues to expedite the prosecution of this application for all parties.

If necessary, Applicant requests that this Response be considered a request for an extension of time for a time appropriate for the response to be timely filed. Applicant requests that any required fees needed beyond those submitted with this Response be charged to the account of Bose McKinney & Evans, Deposit Account Number 02-3223.

Respectfully submitted,

  
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